

U.S. Department of Labor

Mine Safety and Health Administration
201 12th Street South
Arlington, Virginia 22202-5452

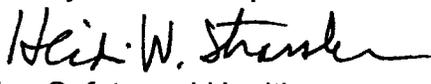


MAR 01 2016

MEMORANDUM FOR NEAL H. MERRIFIELD
Administrator for Metal and
Nonmetal Mine Safety and Health

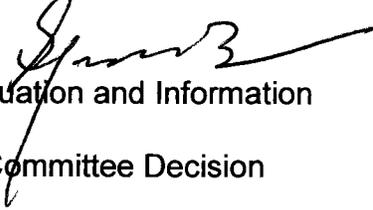
FROM:

JEFFREY A. DUNCAN 
Committee Chair
Director for Educational Policy and Development

HEIDI W. STRASSLER 
Associate Solicitor for Mine Safety and Health

WILLIAM J. FRANCAERT 
Acting Director of Technical Support

TEDDI F. EISEN, M.D., FACOEM 
Reviewing Medical Officer, Contractor
Federal Occupational Health
Program Support Center
U.S. Department of Health & Human Services

SYED HAFEEZ 
Director, Program Evaluation and Information

SUBJECT: Chargeability Review Committee Decision

Case No.: 2015-M-32 
Jeremias

Deceased: 

Date of Incident: June 14, 2015

Date of Death: June 14, 2015

Operator: Eastern Industries, Inc.

Mine: Martins Creek #118

Autopsy Conducted: Not Provided

Death Certificate Released:
September 16, 2015

Decision: Not chargeable

In a unanimous decision, the Chargeability Review Committee has determined that the death of [REDACTED] should not be charged to the mining industry. [REDACTED], a 22-year old trespasser, was one of several persons who illegally accessed an abandoned area of the mine to swim and fish. [REDACTED] jumped off a 50-foot highwall into a water filled pit and did not resurface. Rescue divers recovered the victim, but he was later declared dead at a local hospital.

The death certificate listed accidental drowning as the cause of death. MSHA's investigation determined [REDACTED] was not employed by or affiliated with the mine operator.

Based on these findings, the committee members concluded that [REDACTED] death should not be charged to the mining industry.

cc: Joseph A. Main
Patricia W. Silvey
Laura V. McClintock